

**Date:** August 4, 2015  
**To:** Thomas J. Bonfield, City Manager  
**Through:** W. Bowman Ferguson, Deputy City Manager  
**From:** Jina Propst, Assistant Director, General Services Department  
**Subject:** Grant Agreement between NC DOT and the City of Durham for the West Ellerbee Creek Trail Phase II project

### **Executive Summary**

The City of Durham has received approval for federal funds through the Federal Congestion Mitigation and Air Quality ("CMAQ") program to construct Phase II of the Northern section of the North/South Greenway Trail called "West Ellerbee Creek Trail Phase II". The federal funding commitment for this project is \$1,081,600.00 and requires a 20 percent local match of \$270,400.00 from the City. The City has additionally committed \$669,600.00 to date for project costs associated with design and land acquisition. To utilize the CMAQ federal funds, City Council must authorize the City Manager to execute a grant agreement with the North Carolina Department of Transportation (NC DOT).

### **Recommendation**

The General Services Department recommends that City Council authorize the City Manager to execute a grant agreement with North Carolina Department of Transportation (NC DOT) for the West Ellerbee Creek Trail Phase II Project.

### **Background**

The West Ellerbee Creek Trail Phase II will complete the Northern Section of the North/South Greenway Trail in Durham. This section of the greenway begins at Westover Park on Maryland Avenue, crosses Guess Road and continues along West Ellerbee Creek in a northeasterly direction going under Interstate 85 in an existing overflow box culvert, crossing North Pointe Drive and ending at the Stadium Drive Trail on Stadium Drive near Broad Street.

CMAQ funds were included in the CH505 project budget during FY 14-15 by way of ordinance amendment #14623.

### **Issues and Analysis**

In March 2015 the Federal Board of Transportation assigned the Project a Transportation Improvement Program (TIP) number. The TIP number was an essential milestone for the project and allowed the City to begin working with the Local Programs Management Office to draft a grant agreement, also called a "municipal agreement". This agreement is a contract between the City and NC DOT outlining roles, responsibilities, and funding commitments by both the City and the NC DOT. Final execution of the Municipal Agreement is necessary in order to secure Federal CMAQ funding and proceed with the construction bidding.

Staff anticipates the following project schedule:

Municipal Agreement with NCDOT	September 2015
RFQ for Construction Administration	September 2015
Advertisement for Construction	October 2015
Construction Notice to Proceed	February 2016
Substantial Completion ~1 year from NTP	February 2017

### Alternatives

City Council could choose not authorize the City Manager to sign the standard NC DOT grant agreement. This alternative is not recommended as it is a required milestone in order to progress towards the construction phase of the project.

### Financial Impacts

The federal CMAQ funds require a local match of \$270,400.00. This commitment has previously been made by Council and no additional project funds are being sought at this time.

#### Project Budget

Federal CMAQ Funding		\$ 1,081,600.00
CH505 – Combined CIP & LOBS (previously appropriated)		\$ 940,000.00
<b>Total revenue</b>		<b>\$ 2,021,600.00</b>

#### Project Expenditures

##### Professional Services

Existing Design Contract (incl. Amendment 1, 2, and 3)	3000H000-731002	\$ 280,994.50
Design Contingency (Amendment 3)	3000H000-731900	\$ 20,000.00
		\$ 300,994.50

##### Owner's Expenses

Property Acquisition, Permits, Surveys, and Reviews	3000H952-730300	\$ 105,000.00
		\$ 105,000.00

##### Construction

City Budget	3000H000-731000	\$ 485,505.50
City Contingency	3000H000-731900	\$ 48,500.00
CMAQ Construction & Contingency		\$ 1,081,600.00
		\$ 1,615,605.50
<b>Total expenditures</b>		<b>\$ 2,021,600.00</b>

### SDBE Summary

The grant agreement with NC DOT requires that their procedures be followed for these projects. The Department of Equal Opportunity/Equity Assurance did not review this item for compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting.

### Attachments:

Attachment A	NC DOT Grant Agreement for Project C-5572
Attachment B	Vicinity Map